IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.514 OF 2006

Railway Zopadpatti Punarvasan Samithi & Anr. : Petitioners

V/s.

The State of Maharashtra & Anr. : Respondents

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Mr.S.K.Dubey for the petitioners.

Mr.R.M.Sawant, Government Pleader for the respondents.

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CORAM : F.I.REBELLO & ANOOP V. MOHTA,JJ.

DATE : APRIL 7, 2006.

P.C.

1. The petitioners have approached this Court on the ground that they were rehabilitated in temporary accommodation due to demolition of their structures within 10 mtrs. of the railway line. It is submitted that others have been given permanent accommodation, but the petitioners have been discriminated.

2. Reply has been filed on behalf of MMRDA. It is pointed out that in the year 1998, a N.G.O. known as "Society for Promotion of Area Resource Centre" (SPARC) carried out a survey in respect of the structures which were within 10 mtrs. of three railway lines and which

necessitated their removal. Each hutment was given an I.D. number and the name of the occupant of the said structure. The survey was completed in the year 2000 and report was submitted to the MMRDA in 2001. In the said report, a list of encroachers in the said 10 mtrs. zone and their I.D. numbers were also specifically mentioned. The encroachments were removed in February 2000 and were shifted to temporary transit accommodation. Registers are maintained of the persons who were allotted temporary transit accommodation. About 6,000 such persons were allotted temporary transit accommodation. After permanent accommodation was ready, they were allotted the said permanent accommodation. It is pointed out that the petitioners claim that they were within 10 mtrs., but have not mentioned the I.D. number which was given to their respective structures. The persons mentioned in exh.'A' have trespassed into the said transit accommodation sometime in the year 2005.

3. Considering that there was a survey done in the year 1998 and every hutment was given an I.D. number and those persons have been rehabilitated, this is not a case where this Court should exercise its extraordinary jurisdiction. Apart from that, there is nothing on record to show that the petitioners had objected to the survey being conducted by the N.G.O. From exh.2 to the reply filed, it will also

be seen that the structures in which the petitioners claim that they are entitled to permanent accommodation has already been allotted to others whose names were set out therein. We find no case for granting any relief.

4. With the above observations, the petition stands disposed of.

F.I. REBELLO, J.

ANOOP V. MOHTA, J.